UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LHF PRODUCTIONS, INC., Plaintiff, v. DOES 1-26, Defendants.	Case No. 1:16-cv-9324 Judge Virginia M. Kendall

DEFENDANT'S RULE 12(b)(6) MOTION TO DISMISS AND 26(b) MOTION FOR LEAVE TO TAKE DISCOVERY PRIOR TO RULE 26(f) CONFERENCE

Defendant DOE 26, by and through undersigned counsel, respectfully requests, pursuant to Federal Rules of Civil Procedure 26(b) and 12(b)(6), that this Honorable Court grant leave for Defendant to take discovery prior to Rule 26(f) conference and that this Honorable Court dismiss Plaintiff's Complaint in its entirety. In support thereof, Defendant states as follows:

1. On September 28, 2016, Plaintiff filed the Complaint for copyright infringement in this case. Compl. (dkt #1).

2. The Complaint seeks actual damages, statutory damages, attorneys' fees, litigation expenses, costs, injunctive relief, and declaratory relief.

3. Plaintiff has an unfair advantage of information during ongoing settlement talks due to the third-party discovery data that was obtained from Comcast.

4. Defendant begs this Court to order Plaintiff to deliver to Defendant *instanter* names, addresses, and any other information regarding the 26 defendants that Plaintiff obtained from Comcast. Rule 26(b) provides this Court with the authority to issue such an order:

For good cause, the court may order discovery of any matter relevant to the subject matter involved in the action.

5. Rule 1 of the Federal Rules of Civil Procedure states that the Rules should be construed, administered, and employed to secure a just, speedy, and inexpensive determination of every action. The ability of Defendant to consult with co-defendants would remove the unjust discrepancy in information between the parties during settlement.

For the reasons set forth in the accompanying Memorandum in Support of Defendant's Motion to Dismiss, Defendant requests that this Court dismiss the Complaint of Plaintiff LHF Productions, Inc. in its entirety under Rule 12(b)(6) for failure to state a claim upon with relief may be granted.

WHEREFORE, Defendant respectfully requests that this Court:

a) Order Plaintiff to deliver to Defendant *instanter* all materials and information obtained through discovery;

b) Dismiss the Complaint in its entirety with prejudice; and

c) Grant whatever other relief this Court deems just and fair.

DOE 26

Respectfully submitted,

/s/Susan Malter
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